UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/NGO/24
9 August 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8(XXIII)

Written statement submitted by Pax Christi-International Catholic Peace Movement, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 August 1991]

1. The right of peoples to self-determination, as enshrined in the Charter of the United Nations and numerous other international instruments, is both a fundamental human right, appertaining to all peoples and nations, and a prerequisite for the enjoyment of other human rights and freedoms of the individual. As such, the denial of the right to self-determination will inherently lead to gross violations of other fundamental rights and freedoms.

GE.91-12723/6995a

2. Pax Christi wishes to address in particular one type of human rights violation, namely the practice of population transfer, a practice which in itself and through its effects constitutes a violation of basic human rights and in particular of the right to self-determination. During its forty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, in resolution 1990/17, to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements.

3. The right to self-determination refers to groups described as "peoples". Peoples can be identified by a subjective perception of "peoplehood" as well as by shared, objective and identifiable common characteristics such as race or ethnicity, language, culture, tradition, customs, or a history which is distinguishable from that of other groups.

4. The practice of population transfer, defined as the movement of people either into or away from a certain territory, with active or passive participation by Government and without the free and informed consent of the people being moved or the people into whose territory they are being moved, can broadly be divided into two categories, namely the transfer of people and the implantation of settlers, including settlements in occupied territories and colonized lands, and the removal of people from their domicile. Population transfer affects the human rights of both the people who are being transferred and the original inhabitants of the territories into which others are being moved.

5. The practice of population transfer violates the right to self-determination, including its most fundamental aspect, the right to continue to exist as a people, when population transfer contributes to the destruction of the distinct identity of a people and removes their right or ability to determine their own destiny as a people. Unique characteristics, including race ethnicity, language, religion, culture, tradition and history, setting a people apart from geographic neighbours, are in danger of disappearance through population transfer. A distinct people whose land is subject to an occupying or otherwise alien Power's population transfer most often is stripped of the opportunity to determine its status and to pursue its economic, social and political development and, thus, denied its right to self-determination.

6. The denial is evident when administrators and settlers of the occupying or dominating Power flood into the land of a distinct people and appropriate for themselves dominant positions in political, economic, and cultural fields. Alien settlers who take positions of political, economic or cultural power, with or without the active encouragement or assistance of the Government, contribute to alien political domination and to cultural subjugation. The sheer scale of a population transfer will often cause a distinct people to become a minority in its own homeland, and therefore prevent the realization of any right to self-determination and ultimately, the disappearance of the subject people's national identity.

7. As much attention has been given over the past years by the Sub-Commission as well as by the Commission on Human Rights to the question of gross and systematic human rights violations in Tibet, and as massive Chinese population transfer threatens the enjoyment of all fundamental human rights in Tibet, including the right to self-determination, its seems appropriate to pay special attention at this time to the Tibetan situation.

8. The Tibetan people meet all the relevant criteria for "peoplehood" and, moreover, possessed an independent State prior to its occupation by China in 1949/1950. Consecutive Chinese Governments have themselves admitted that Tibetans are a distinct people if not a separate country, and at times have recognized the Tibetans' claim to self-determination. Even irrespective of Tibet's past legal status, today the Tibetan people is a people under colonial or alien domination, whose right to self-determination, as recognized by the United Nations General Assembly in resolution 1723 (XVI) and reaffirmed in resolution 2079 (XX), has been systematically violated. Typical of some of the worst forms of colonialism, a large number of Chinese have and are still being transferred into Tibet. It appears that China hopes to reduce the Tibetans to an insignificant minority in their own country through this policy. As Tibet's right to self-determination has been systematically violated, Tibetans have been subject to continuous and gross violations of individual human rights for the past 40 years.

9. Tibetans themselves consider demographic aggression the most serious threat to their survival as a people:

> "The massive influx of Chinese colonists has imposed a time limit. Our struggle for survival is now a race against time ... The long-standing policy and aim of Beijing remains the same: to eliminate Tibetan national identity, and thereby the Tibetan struggle, through assimilation and absorption hastened by systematic population control ... The present flow (of Chinese settlers) is serious enough to threaten the survival of the Tibetan people. 1/

10. Although different estimates exist regarding the numbers of Chinese settlers who have moved to Tibet since the country's occupation, no one denies the large-scale movement of Chinese to Tibet, especially to the urban centres and the eastern and north-eastern areas bordering China, referred to by the Chinese Government as "autonomous" districts and prefectures. Whereas there were no more than 300,000-400,000 Chinese in the whole of Tibet in 1949. Tibetan sources put the number of Chinese in Tibet at over 6 million today. Even official Chinese statistics put the number at 3.5 million at least, excluding the military and administrative personnel (several hundred thousand) and the large numbers of individuals who move to Tibet "illegally".

11. Chinese supreme leader Deng Xiaoping has confirmed the existence of a population transfer policy but argued that the TAR (Tibet Autonomous Region) and other parts of Tibet need Chinese immigration as Tibet's own population is "inadequate to develop the region's resources". Significantly, Chinese

---

1/ Lhasang Tsering, "The Decisive Decade?" in Lungta, July 1991, p.5.

authorities impose population control measures on Tibetans thus preventing them from achieving the higher population claimed to be necessary for this development. The need to develop and "civilize" the "backward" Tibetans has been used as justification for actively encouraging Chinese settlers to move to Tibet through government incentives. Higher wages, increased pensions, guaranteed education, good housing are only a few of the incentives offered to attract both skilled and unskilled labour in Tibet. China's population transfer policy has in the past already reduced the Mongols, Manchus and Uyghurs to minorities in their own countries.

12. More important than the numbers of Chinese in Tibet is the impact this transfer into Tibet is having on the exercise of basic human rights of the Tibetans and on the survival of the distinct Tibetan national, cultural, religious and political identity. Especially worrying is the emergence of strong patterns of discrimination against Tibetans. Thus, society in Tibet is today divided along racial lines. In contradiction with the right of peoples to self-determination, Tibetans live in largely segregated areas, are excluded from positions of real political or economic power and are subjected to discrimination in employment, education and health care. They are restricted in their ability to travel within and outside the country, and to express and organize themselves. The native Tibetan population and the Chinese immigrants are thus developing as two distinct - separate but unequal - communities in Tibet, with Tibetans increasingly pushed to the periphery of political, social, economic and even cultural life. This evidently is the result of a deliberate policy of the Chinese Central Government in Beijing.

13. As the application of population transfer policies are mostly directed at specific racial, religious or ethnic groups, it not only results in violations of fundamental individual human rights but also to violations of the rights laid down in the International Convention on the Elimination of All Forms of Racial Discrimination. In the case of people being moved into an occupied or alien-dominated territory, as is the case of Tibet, the practice of population transfer is rooted in racism and results in widespread and systematic discrimination.

14. Pax Christi urges the Sub-Commission to consider seriously the human rights dimensions of population transfer during its forty-third session. Pax Christi also specifically urges the Sub-Commission to take appropriate action without delay with respect to the serious situation in Tibet.